



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 13 2011

Mr. Allen Kroll  
Vice President of Health, Safety and Compliance  
AES Environmental, LLC  
2100 George Towne Drive Suite 303  
Sewickley, Pennsylvania 15143

**SUBJECT:** RCRA Organic Air Emission Standards  
The Hazardous and Solid Waste Amendments (HSWA)  
Permit for AES Environmental, LLC  
Calvert City, Kentucky  
EPA I.D. No.: KYD 985 073 196

Dear Mr. Kroll:

The United States Environmental Protection Agency in accordance with the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Solid Waste Amendments (HSWA) of 1984, hereby issues a HSWA Permit to AES Environmental, LLC. This Permit, in conjunction with the Hazardous Waste Management Permit issued by the Commonwealth of Kentucky, constitutes the full RCRA Permit for this facility.

The federal permit implements all RCRA requirements the Permittee is subject to for which the Commonwealth of Kentucky is not currently authorized. Until Kentucky becomes authorized, the EPA will fully enforce the requirements of the Federal portion of the RCRA Waste Management Permit.

The HSWA permit is effective from July 10, 2011 until May 12, 2015.

Should you have any questions concerning this letter, please contact Mr. Syed Ahmed of the RCRA Permits and State Programs Section at 404-562-8471.

Sincerely,

G. Alan Farmer  
Director  
RCRA Division

Enclosure





## HSWA PORTION OF THE RCRA PERMIT

**OWNER/OPERATOR:** AES Environmental, LLC  
1689 Shar-Cal Road  
Calvert City, Kentucky 42029

**EPA I.D. Number:** KYD 985 073 196

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, 42 USC Section 6901 *et seq.*, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, P.L. 98-616, and regulations promulgated there under by the U.S. Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations), a permit is issued to AES Environmental, LLC, (hereafter called the Permittee), who owns and operates a hazardous waste facility located in Calvert City, Kentucky, at latitude 37°02' 45" and longitude 88°24' 22".

This Permit, in conjunction with the Hazardous Waste Management Permit issued by the Commonwealth of Kentucky, constitutes the full RCRA Permit for this facility. The Permittee, pursuant to this permit, shall be required to comply with all land disposal restrictions and organic air emission standards applicable to this facility and to certify annually that on-site generation of hazardous waste is minimized to the extent practicable.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and applicable regulations contained in 40 CFR Parts 260 through 264, 266, 268, 270, and 124 as specified in the permit and statutory requirements of RCRA, as amended by HSWA. Nothing in this permit shall preclude the Regional Administrator from reviewing and modifying the permit at any time during its term in accordance with 40 CFR §270.41.

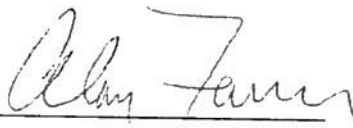
This permit is based on the premise that information and reports submitted by the Permittee prior to issuance of this permit are accurate. Any inaccuracies found in this information or information submitted as required by this permit may be grounds for termination or modification of this permit in accordance with 40 CFR §270.41, §270.42, and §270.43 and potential enforcement action. The Permittee must inform EPA of any deviation from or changes in the information in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

The authority to perform all actions necessary to issue, modify, enforce, or revoke this permit has been delegated by the Regional Administrator to the Waste Management Division Director.

This permit is effective July 10, 2011 and shall remain in effect until May 12, 2015, unless revoked and reissued, or terminated under 40 CFR §270.41 and §270.43 or continued in accordance with 40 CFR §270.51(a). All obligations for performance of HSWA provisions required under this permit are in effect until deemed complete by the Regional Administrator.

If any conditions of this permit are appealed in accordance with 40 CFR §124.19, the effective date of the conditions determined to be stayed in accordance with 40 CFR §124.16 shall be determined by final agency action as specified under 40 CFR §124.19.

6/10/11  
Issued Date

  
G. Alan Farmer  
Director  
RCRA Division





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## PART I - STANDARD CONDITIONS

### I.A. EFFECT OF PERMIT

Compliance with this Resource Conservation and Recovery Act (RCRA) permit constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA except for those requirements not included in the permit which become effective by statute, are promulgated under 40 CFR Part 268 restricting placement of hazardous waste in or on the land or are promulgated under 40 CFR Part 264 of this chapter regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units, as specified in 40 CFR §270.4. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3008(a), 3008(h), 3004(v), 3008(c), 3007, 3013 or Section 7003 of RCRA, Sections 104, 106(a), 106(e), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*, commonly known as CERCLA), or any other law providing for protection of public health or the environment.

### I.B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§270.41, 270.42, and 270.43. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

### I.C. SEVERABILITY

The provisions of this permit are severable, as specified in 40 CFR §124.16 and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

### I.D. DUTIES AND REQUIREMENTS

#### I.D.1. Duty to Comply

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance,



other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

I.D.2. Duty to Reapply

If the Permittee will continue an activity allowed or required by this permit after the expiration date of this permit, the Permittee shall submit a complete application for a new permit at least one hundred eighty calendar days before this permit expires, unless permission for a later date has been granted by the Regional Administrator.

I.D.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.D.4. Duty to Mitigate

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases of hazardous waste or hazardous constituents to the environment, and shall carry out such measures as are reasonable to prevent significant adverse effects on human health or the environment.

I.D.5. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I.D.6. Duty to Provide Information

The Permittee shall furnish to the Regional Administrator, within a reasonable time, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.



I.D.7. Inspection and Entry

The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated, or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

I.D.8. Monitoring and Records

- I.D.8.a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative waste sample to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261, the EPA Region 4 Environmental Compliance Branch's Standard Operating Procedure and Quality Assurance Manual (SOP) (most recent version), or an equivalent method approved by the Regional Administrator. Procedures for sampling contaminated media must be those identified in the EPA Region 4 SOP or an equivalent method approved by the Regional Administrator. Laboratory methods must be those specified in the most recent edition of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846, or an equivalent method approved by the Regional Administrator.
- I.D.8.b. The Permittee shall retain at the facility, as provided for under 40 CFR Part 264, or other appropriate location as approved by the Regional Administrator, records of all monitoring information required under the terms of this permit, including all calibration and maintenance records, records of all data used to prepare documents required by this permit, copies of all reports and records required by this permit, the certification required by 40 CFR §264.73(b)(9), and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, certification or application. As a generator of hazardous waste, the Permittee shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to 40 CFR Part 268 for at least five years from the date

that the waste which is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

I.D.8.c. Records of monitoring information shall specify:

- i. The dates, exact place, and times of sampling, or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The date's analyses were performed;
- iv. The name of the laboratory which performed the analyses;
- v. The analytical techniques or methods used; and
- vi. The results of such analyses.

I.D.9. Reporting Planned Changes

The Permittee shall give written notice to the Regional Administrator as soon as possible of any material physical alterations or additions (excluding maintenance and repair) which impact any waste management units at the permitted facility as defined in 40 CFR §270.2.

I.D.10. Anticipated Noncompliance

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with the requirements of this permit.

I.D.11. Transfer of Permit

This permit may be transferred to a new owner or operator only after notice to the Regional Administrator and only if it is modified or revoked and reissued pursuant to 40 CFR §270.40(b) or §270.41(b)(2) to identify the new Permittee and incorporate such other requirements as may be necessary under the appropriate Act. Before transferring ownership or operation of the facility during its operating life, or of a disposal facility during the post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270, HSWA and this permit.

I.D.12. Compliance Schedules

Written notification of compliance or noncompliance with any item identified in the compliance schedule of this permit shall be submitted according to each schedule date. If the Permittee does not notify the Regional Administrator within fourteen calendar days of its compliance or noncompliance with the schedule, the Permittee shall be subject to an enforcement action. Submittal of a required item according to the schedule constitutes notification of compliance.

I.D.13. Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, at the time written reports as required by this permit are submitted. The reports shall contain the information listed in Condition I.D.14. as appropriate.

I.D.14. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any document(s) submitted to the Regional Administrator, the Permittee shall promptly submit such facts or information.

I.E. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR §270.11.

I.F. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with 40 CFR §270.12.

I.G. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as those in RCRA and 40 CFR Parts 124, 260, 261, 264, and 270, unless this permit specifically provides otherwise. Where terms are not defined in the regulation, the permit, or EPA guidelines or publications, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.



## **PART II - LAND DISPOSAL RESTRICTIONS**

### **II.A. GENERAL RESTRICTIONS**

- II.A.1. 40 CFR Part 268 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage or disposal unit. The Permittee shall maintain compliance with the requirements of 40 CFR Part 268. Where the Permittee has applied for an extension, waiver or variance under 40 CFR Part 268, the Permittee shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached pending final approval of such application.

### **II.B. LAND DISPOSAL PROHIBITIONS AND TREATMENT STANDARDS**

- II.B.1. A restricted waste identified in 40 CFR Part 268 Subpart C may not be placed in a land disposal unit without further treatment unless the requirements of 40 CFR Part 268 Subparts C and/or D are met.
- II.B.2. The storage of hazardous wastes restricted from land disposal under 40 CFR Part 268 is prohibited unless the requirements of 40 CFR Part 268 Subpart E are met.



### III – BUILDING #3 CONTAINMENT BUILDING

This permit module applies to treatment of hazardous waste in the Permittee's Building #3 Containment Building. Treatment in the containment building is not land disposal as defined in 40 CFR §268.2, if the unit complies with the Conditions of this Permit.

No storage of hazardous wastes is permitted in the Building #3 Containment Building.

#### III.A. GENERAL DESCRIPTION

AES Environmental, LLC will operate a portion of existing Building # 3 as a Containment Building to house three metal treatment bins regulated under this Permit as miscellaneous units. The Containment Building will operate with a negative air flow to a multi-phase air collection and scrubbing system here after referred to as the air pollution control system.

Approximately 6,000 square feet of Building # 3 building is completely enclosed and physically separated from other portions of the building via a sealed wood and metal structure. The room is totally enclosed and protected from all outside elements. This portion, when construction is completed, will meet the RCRA criteria of a Containment Building and properly control all emissions generated from neutralization, stabilization and consolidation of hazardous and non hazardous wastes via the three Miscellaneous Treatment Bin Units, Aerosol and Can Processor Units.

The three Metal Treatment Bins operate managing hazardous waste only within the Containment Building while negative pressure is maintained and the air pollution control system is operating. Each Bin shall be considered the primary containment barrier or the first level of proper containment. In addition, the Containment Building shall have a sloped concrete floor and underlying 80 mil HDPE liner which will compose the secondary containment barrier.

Wastes shall be processed immediately, within 24 hours, within the Containment Building and shall not be stored within the Containment Building portion of Building #3.

Chemical treatment reagents used in stabilization and neutralization may be stored within the Containment Building in reagent designated storage areas only.

#### III.B. DESIGNATED CONTAINMENT BUILDING(S)

The Permittee shall treat hazardous wastes in the designated containment building described in Permit Condition III.A and as specified in Section 3 of the RCRA Permit Application. The Permittee shall not treat waste in excess of the maximum capacity specified for the Containment Building identified in Table III-1.

**TABLE III-1**  
**AES Environmental, LLC Building #3 Containment Building**  
**Waste Types and Design Capacities**

CONTAINMENT BUILDING AND LOCATION	DESIGN SPECIFICATIONS	EPA HAZARDOUS WASTE TYPE	PRIMARY DESIGN BARRIER AND SECONDARY CONTAINMENT	MAXIMUM VOLUME OF WASTE Pounds (lb) or Tons (T)
Building #3, Containment Building Portion	RCRA Permit Application: * Section 3; * Figures Section B * Figures Section C, Building #3 Concrete Containment Plan, Sections and Details, 09170C01; * Figures Section D * Figures Section E	Only wastes specified in the RCRA Application Part A for the Containment Building	Enclosed area within Building #3 meeting the Procedure T criteria. Primary barrier is three metal treatment bins. Secondary containment is sloped reinforced concrete underlain with 80 mil HDPE liner and air pollution control system consisting of a bag house, exhaust fan, ducting, scrubber and carbon absorption unit maintained under negative pressure.	6000 gallons in each bin. Total volume in three bins 18000 gallons.

### III.C. PERMITTED AND PROHIBITED WASTE IDENTIFICATION

#### III.C.1. Permitted Waste

The Permittee may treat hazardous waste in the three treatment bins within Building #3 Containment Building portion. Table III-1 above shows the maximum amounts of hazardous waste that the Permittee shall treat at any time within the Building #3 Containment Building, subject to the terms of this Permit.

The Permittee shall ensure that all waste solutions bear the appropriate EPA Hazardous Waste Codes.

III.C.2. Prohibited Waste

The Permittee shall not store, manage or treat any hazardous waste that does not comply with Permit Condition III.C.1.

III.D. DESIGN AND OPERATING STANDARDS  
[40 CFR §264.1100 and 264.1101]

The Permittee shall ensure that the Building #3 Containment Building is constructed and complies with the design and instrumentation standards in this Permit Condition and those specified in the RCRA Permit Application Sections listed in Table III-1.

III.D.1. Design Criteria  
[40 CFR §264.1101(a)]

- a. The Containment Building shall be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements, (e.g., precipitation, wind, run-on), and to assure containment of managed wastes.
- b. The floor and containment walls of the unit, including the secondary containment system shall be designed and constructed of manmade materials of sufficient strength and thickness to:
  - i. Support themselves, the waste contents, and any personnel and heavy equipment that operates within the unit; and
  - ii. Prevent failure due to:
    - (a) Pressure gradients, settlement, compression, or uplift;
    - (b) Physical contact with the hazardous wastes to which they are exposed;
    - (c) Climatic conditions;
    - (d) Stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls; and
    - (e) Collapse or other failure.



III.D.2. Waste Compatibility  
[40 CFR §264.1101(a)(3)]

- a. The Permittee shall ensure that all surfaces in contact with hazardous wastes are chemically compatible with those wastes.
- b. The Permittee shall not place incompatible hazardous wastes or treatment reagents in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.

III.D.3. Primary Barrier  
[40 CFR §264.1101(a)(4) (b) and (c)]

The Containment Building shall have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and be appropriate for the physical and chemical characteristics of the waste to be managed.

III.D.4. Construction and Certification

- a. The Permittee shall begin construction to modify Building #3 to comply with the Containment Building Standards of 40 CFR §264 Subpart DD, the RCRA Permit Application and this Permit, as specified in the schedule in RCRA Permit Application Section 3, no later than 60 days from the effective date of the permit. Should the Permittee experience justifiable delays, the Permittee must notify the Regional Administrator within 15 calendar days of the Permittee discovering that the approved schedule will be delayed. The notification in writing shall inform the Regional Administrator of the reason and the expected duration of the delay. A revised schedule shall be included in the notification for start of modifications.
- b. The Permittee shall complete construction to modify Building #3 to comply with the Containment Building Standards of 40 CFR §264 Subpart DD, the RCRA Permit Application and this Permit, as specified in the schedule in RCRA Permit Application Section 3, no later than 18 months from the effective date of the permit. Should the Permittee experience justifiable delays, the Permittee must notify the Regional Administrator within 15 calendar days of the Permittee discovering that the approved schedule will be delayed. The notification in writing shall inform the Regional Administrator of the reason and the expected duration of the delay. A revised schedule shall be included in the notification for completion of the modifications.
- c. Upon completing modifications to Building #3 to meet the RCRA Containment Building Standards, the Permittee shall obtain certification by a qualified registered professional engineer that the Containment Building is constructed and satisfies the requirements in Permit Conditions III.D.1, III.D.2, III.D.3, III.D.4, III.E, and III.F for approval prior to the



Containment Building operating, contacting or otherwise managing RCRA hazardous waste. Fourteen days before the start of operations in the Containment Building.

- d. Upon completion of the modifications to Building # 3, the Permittee shall provide an updated list of all equipment subject 40 CFR §264.1050 (Subpart BB) and submit the updated list for approval prior to the Containment Building operating contacting or otherwise managing RCRA hazardous waste with in thirty days after starting operations in the Containment Building.

### III.E. SECONDARY CONTAINMENT

#### III.E.1. Design and Operating Standards

As determined by the paint filter test, by a visual examination, or by other appropriate means, the containment building shall be used to manage hazardous wastes containing free liquids or treated with free liquids; the Permittee shall comply with the following conditions.

- a. Primary Barrier  
[40 CFR §264.1101(c)]

The Permittee shall maintain a primary barrier (e.g., a geomembrane covered by a concrete wear surface) designed and constructed of materials to prevent the migration of hazardous constituents into the barrier.

- b. Liquid Collection and Removal  
[40 CFR §264.1101(b)]

- i. The Permittee shall maintain a liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building.
- ii. The primary barrier shall be sloped to drain liquids to the associated collection system.
- iii. The Permittee shall collect and remove liquids and waste, at the earliest practicable time, to minimize hydraulic head on the containment system.

- c. Secondary Containment  
[40 CFR §264.1100 and 264.1101(b)]

- i. The Permittee shall maintain a secondary containment system, including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier.

- ii. The Permittee shall construct the secondary containment system using materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building.
  - iii. The Permittee shall design the area in which the treatment will be conducted to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.
- d. Leak Detection  
[40 CFR §264.1100, 264.1101(b) and (c)]
- i. The Permittee shall maintain a leak detection system capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practical time.
  - ii. The Permittee shall meet the requirements of the leak detection component of the secondary containment system by installing a system that is, at a minimum:
    - (a) Constructed with a bottom slope of 1 percent or more; and
    - (b) Constructed of a granular drainage material with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more.

### III.F. PREVENTION OF RELEASES [40 CFR §264.1101 (c)(1)]

The Permittee shall use controls and practices as specified in the RCRA Permit Application Section 3 to ensure containment of the hazardous waste within the unit. At a minimum, the Permittee shall:

1. Maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;
2. Maintain the level of the stored/treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;
3. Take measures to prevent personnel or by equipment used in handling the waste from tracking hazardous waste out of the unit;

4. Designate an area to decontaminate equipment; and
5. Collect and properly manage any rinsate.

The Permittee shall use controls and practices for fugitive dust emissions and pollution control practices in conjunction with Permit Conditions III.J.1 and III.J.2.

### III.G. SPECIAL REQUIREMENTS FOR IGNITABLE, REACTIVE OR INCOMPATIBLE WASTE

#### III.G.1. Ignitable and Reactive Wastes

- a. The Permittee shall treat waste in such a way that waste is protected from any material or conditions that may cause the waste to ignite or result in unintended waste reactions; or
- b. The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981).

#### III.G.2. Incompatible Wastes [40 CFR §264.1101(a)(3)]

The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the in contact within the Containment Building or in the treatment bins.

### III.H. RESPONSE TO LEAKS OR SPILLS [40 CFR §264.1101(c)(3)]

Throughout the active life of the containment building, if the Permittee detects a condition that could lead to or has caused a release of hazardous waste, the Permittee shall repair the condition promptly.

#### III.H.1. Actions

Upon detection of a condition that has lead to a release of hazardous waste (for example, upon detection of leakage from the primary barrier) the Permittee shall:

- a. Enter a record of the discovery in the facility operating record;



- b. Immediately remove the portion of the containment building affected by the condition from service;
- c. Determine what steps must be taken to repair the containment building, to remove any leakage from the secondary collection system, and to establish a schedule for accomplishing the cleanup and repairs; and
- d. Within seven days after the discovery of the condition, notify the Regional Administrator of the condition, and within 14 working days, provide a written notice to the Regional Administrator with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

#### III.H.2. Notification

- a. The Regional Administrator shall review the information submitted and make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete. The Regional Administrator shall notify the Permittee of the determination and the underlying rationale in writing.
- b. Upon completing all repairs and cleanup, the Permittee shall notify the Regional Administrator in writing and provide verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with Permit Condition III.H.1.d.

#### III.I. INSPECTION SCHEDULES AND PROCEDURES [40 CFR §267.1101(c)(4)]

- a. The Permittee shall comply with the inspection schedules and procedures as specified in RCRA Permit Application, Section 3.
- b. The Permittee shall also inspect and record in the facility's operating record, at least once every seven days, all data gathered from monitoring equipment and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect the signs of hazardous waste.

#### III.J. AIR EMISSION STANDARDS

The Permittee shall manage all hazardous waste placed in the containment building in accordance with the requirements of 40 CFR Part 264 Subpart BB.



III.J.1. Fugitive Dust  
[40 CFR §264.1100 and 264.1101(c)(1)(iv)]

The Permittee shall take measures to control fugitive dust emissions such that any openings (e.g., doors, windows, vents, cracks, etc.) exhibit no visible emissions (refer to 40 CFR Part 60, Appendix A, Method 22--Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares).

III.J.2. Particulate Collection Devices  
[40 CFR §264.1100, 264.1101(c)(1)(iv) and 60 Subpart 292]

- a. The Permittee shall operate and maintain all associated particulate collection devices (e.g., fabric filter and electrostatic precipitator) with sound air pollution control practices.
- b. The Permittee shall effectively maintain this state of no visible emissions at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.
- c. The Permittee must maintain a exhaust air flow velocity of at least 5000 standard cubic feet per minute (scfm) with the exhaust fan inlet damper set at 20 percent open; through the Containment Building air pollution control system while the can crusher, aerosol processing unit, metal treatment bins are contacting or managing RCRA hazardous wastes; or the containment building is otherwise contacting RCRA hazardous waste. Further, RCRA hazardous waste shall not be managed in any hazardous waste management unit managing volatile organic concentrations subject to the RCRA Organic Air Emission Standards of Subparts BB and CC and ducted to a closed-vent system to a control device, while that associated closed-vent system and/or control device is not in operation under negative pressure.
- d. The Containment Building Air Pollution Control System Performance Test Results must be submitted demonstrating 95 percent removal efficiency for the worse-case contaminant concentration expected in the exhaust from the Containment Building, to prior to operating managing RCRA hazardous wastes within the Containment Building served by the air pollution control system particulate collection devices thirty days prior to starting operations in Containment Building.

III K. PREPARATION FOR CLOSURE  
[40 CFR §264.1102]

- a. Upon removal of the containment building from operation and in preparation for closure, the Permittee shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment

.contaminated with waste and leachate, and manage them as hazardous waste, unless the waste does not meet the criteria of a hazardous waste as outlined in 40 CFR §261.3(d).

- b. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in 40 CFR §264.1102(a) and (b).